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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,608	10/06/2003	Hiroaki Shibasaki	B-5252 621320-3	5763
36716	7590	11/05/2007		
LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			EXAMINER VU, VIET DUY	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/680,608

Applicant(s)

SHIBASAKI, HIROAKI

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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**Art Rejections:**

1. The text of 35 U.S.C. 103(a) cited in the previous office action is hereby incorporated by reference.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrick et al U.S. pat. Appl. Pub. No.

2003/0060157 in view of headings et al, U.S. pat. No. 6,925,469.

Per claims 1-2, 4 and 6, Hendrick discloses an information providing system, comprising:

**a)** an information providing apparatus (101, 106) for providing copyrighted program or information content via a network (see Hendrick in page 2, par. 18-19); and

**b)** an information reproducing apparatus (103, 104, 108) which can have access to the information providing apparatus via the network, has an information reproducing device for reproducing copyrighted program transmitted via network or recorded on a recording medium (page 4, par. 42), and transmits identification information corresponding to the program via the network to the information providing apparatus in order to request related information including advertisement information related the program or the accompanied information when the copyrighted program is reproduced (see page 4, par. 45, 48);

wherein the information providing apparatus also comprises:

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c) an identification information receiving device which receives via the network the identification information transmitted from the information reproducing apparatus (page 5, par. 55);

d) a related information acquiring device which acquires the related information based on the received identification information (page 5, par. 58);

e) a related information providing device (e.g., authorized content provider or right holder source) which provides the related information via the network to the information reproducing apparatus (see Hendrick in page 5, par. 58).

Hendrick does not teach computing payment (royalty) to be paid to the right holder source for use of its copyrighted program or content information. Headings discloses a content distribution system that includes means for computing and transmitting payment to content owner/provider (see Headings in col 11, line 56 - col 12, line 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such payment management in Hendrick because it would have enabled distributing program or content information from a third party (see Hendrick in page 5, par. 58).

Per claims 3 and 10, Headings teaches offering different prices or packages for programs and content information

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including advertisement supported package (see Headings in col 13, lines 25-35). It would have been obvious to one skilled in the art to recognize that a program with advertisement would have been paid less than a program without advertisement.

Per claim 5, Headings teaches monitoring consumer's usage of programs or content for computing payment for content owner/provider (see Headings in col 11, line 56 - col 12, line 29).

Claims 7-9 are similar in scope as that of claims 1-6 and 10.

**Response to Amendment:**

3. Applicant's arguments filed on September 25, 2007 with respect to claims 1-10 have been fully considered but are not deemed persuasive.

Applicant alleges that the examiner fails to show where Hendrick or Headings disclose a right holder's side apparatus connected to the information providing apparatus via network.

The examiner disagrees. The office action clearly identifies the alleged right holder's side apparatus in item e). Particularly, the office action cited Hendrick in par. 58 to show that the information providing apparatus would be connected to a third party server (right holder's side apparatus) to

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download requested content on behalf of user or to direct user's request for content to the third party server (see Hendrick in par 58).

Applicant also alleges that the examiner fails to show where Hendrick or Headings disclose that related information is acquired based on received identification information transmitted from the information reproducing apparatus.

The examiner disagrees. The office action clearly identifies the alleged teachings in items c), d) and e). Particularly, the office action cited Hendrick in par. 54-55 to show the alleged identification information receiver for receiving purchase request containing content identifier (e.g., artist, song or album title/identifier) transmitted from the user (i.e., information reproduction apparatus) (see Hendrick in par. 55). This subsequent request comprises contents that are related to previous content (e.g. song) that has been played/viewed earlier by the user, e.g., other songs/albums or other materials offered by the same artist. The office action also cited Hendrick in par. 58 to show the use of information acquiring device (e.g., second server or third party server) to acquire the related information requested/desired by the user using content identifier (see Hendrick in par. 58).

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**Conclusion:**

4. Applicant's amendment necessitated the new grounds of rejection, i.e., new claim 10. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

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10/30/07